

REMARKS

Reconsideration of this application is respectfully requested. Upon entry of the foregoing amendment, Claims 1, 3, 6-8, 10-43, 50-64 and 66 will remain pending in the application. Claims 9, 44, 47-49, 65, 67 and 68 have been canceled. Claims 13-43 and 50-63 are currently withdrawn from consideration. Claim 1 has been amended. Support for the amendment of Claim 1 can be found at least on page 5, lines 5-8, Example 2 on page 18 of the originally filed Specification and Figure 1. No new matter has been introduced and their entry is respectfully requested.

Applicant would like to thank Examiner Cheu for granting a personal interview with inventor Ngoc Anh Le and Applicant's representative Ping Wang. The substance of the interview has been incorporated into the claim amendment above and the remarks below.

In the Office Action of August 14, 2009, the Examiner set forth a number of grounds for rejection. These grounds are addressed individually and in detail below.

Rejections Under 35 U.S.C. § 112, first paragraph (Enablement)

Claim 68 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In order to expedite prosecution, Claim 68 has been canceled. The rejection is now moot.

Rejections Under 35 U.S.C. § 112, first paragraph (Scope of Enablement)

Claims 1, 4-12 and 64-68 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for cardiovascular disease, does not reasonably provide enablement for all other vascular diseases.

Independent Claim 1 has been amended to further limit the vascular disease to at least one selected from the group consisting of atherosclerosis and thrombosis. Claims 9, 65, 67 and 68 has been canceled.

It is believed that the grounds for these rejections have been obviated, and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 6-8, 12, 44, 47-49 and 64-67 stand rejected under 35 U.S.C. § 102(b) as being anticipated over Le et al. (hereinafter “Le”) (Metabolism 49:1271-1277, 2000) for the reasons set forth on page 5 of the Office Action. As discussed in the Personal Interview of November 10, 2009, amended Claim 1 is patentable over Le. Specifically, Le fails to disclose or suggest measuring free circulating auto antibodies that “do not interact with intestinally-derived chylomicrons and wherein the greater the severity of the vascular disease, the greater the fall in circulating antibodies,” as recited in amended Claim 1.

Claims 2, 3, 6-8, 12, 64 and 66 are patentable because they depend from Claim 1 and recite additional patentable subject matter. Claims 44, 65 and 67 have been canceled. Rejection to these claims is now moot.

In view of foregoing, Applicants respectfully submit that these grounds of rejection have been obviated, and withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Le in view of Billman et al. (hereinafter “Billman”) (Circulation 99:2452-2457, 1999).

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The arguments presented in the previous section of the rejection under 35 U.S.C. § 102(b) pertaining to the Le reference are equally applicable here and are incorporated by reference. Billman generally describes the administration of polyunsaturated fatty acids. Billman fails to teach or suggest measuring free circulating auto antibodies that “do not interact with intestinally-derived chylomicrons and wherein the greater the severity of the vascular disease, the greater the fall in circulating antibodies,” as recited in amended Claim 1. For this reason alone, Claim 1 is patentable over Le and Billman.

In addition, Billman is not directed to a fat-induced antibody response as claimed, but is directed to a decrease in sudden cardiac death by administering polyunsaturated fatty acids. Therefore, without the disclosure of this patent application, a person of ordinary skill in the art would not be motivated to combine the teachings of Le and Billman to arrive at the Claim 1 because neither reference teaches or suggests the direct correlation between the severity of the vascular disease and the fall in circulating antibodies as recited in Claim 1.

Therefore, Claim 1 patentable over Le and Billman. Claims 10 and 11 are patentable over Le and Billman because they depend from Claim 1 and recite additional patentable subject matter. Claim 9 has been canceled. The rejection to this claim is now moot.

In view of foregoing, Applicant respectfully submits that these grounds of rejection have been obviated, and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

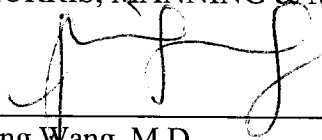
CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to contact Applicants' counsel, Ping Wang, M.D. (Reg. No. 48,328), at 202.842.0217.

Respectfully submitted,

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